

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 1-5, 8 and 10 presently appear (non-elected claims 6, 7 and 9 are cancelled without prejudice to refiling in a divisional application) and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 1-5 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Cleuziat et al. (US 5,824,517). This rejection is respectfully traversed.

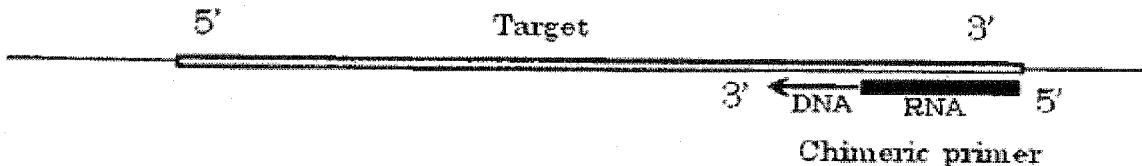
In the examiner's response to arguments on page 5 of the Office Action, the examiner states that applicant's argument is not persuasive because Cleuziat teaches a chimeric primer that includes in the 5' to 3' direction an RNA-type segment which hybridizes with a 3' terminal segment of the target. In this context, the examiner further states that the primer of Cleuziat has RNA in the 5' to 3' direction and as such the RNA is on the 3' terminal side of the primer.

However, it should be noted that the underlined portion of the examiner's statement immediately above is **not** disclosed in Cleuziat. Furthermore, the hybridization of the RNA-type segment in the primer with a 3' terminal segment of the target has **no** relation to the presence of such segment on the 3'

Amd. dated June 30, 2009

Reply to Office Action of April 2, 2009

terminal side of the primer. Therefore, Cleuziat does not support the above underlined portion of the examiner's statement. This is clearly shown by the following Figure which illustrates that the relationship between a chimeric primer and a template, each of which includes a DNA on the 3' terminal side and an RNA on the 5' terminal side, is in excellent agreement with the disclosure of the ABSTRACT of Cleuziat.



With due respect to the examiner, the examiner's position is based on misinterpreting Cleuziat as teaching that "the segment of primer which hybridizes with a 3' terminal segment of the target is on the 3' terminal side of the primer." This is clearly not the case.

Cleuziat presents many drawings illustrating the relationship between a primer and a template used in Cleuziat's invention. In column 10, lines 36-45, it is disclosed that, for the drawings, the straight-line segment represents a DNA, the wavy-line segment represents an RNA, and the arrow represents the 3' end. Please note that there is no drawing which has an arrow part of the wavy-line segment, i.e., a primer having an RNA-segment on the 3' terminal side,

Appln. No. 10/582,345

Amd. dated June 30, 2009

Reply to Office Action of April 2, 2009

and there is no disclosure or teaching of such a primer in Cleuziat.

Accordingly, Cleuziat cannot anticipate the presently claimed invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 10 has been rejected under 35 U.S.C. §103(a) as being anticipated by Cleuziat et al. in view of Abstract No. XP-002307629 (2000). This rejection is respectfully traversed.

As argued above, the examiner has misinterpreted the teachings of Cleuziat. Applicants believe that the secondary reference applied by the examiner does not satisfy the deficiencies of Cleuziat so that the combination of disclosures and teachings of Cleuziat and Abstract No. 002307629 (2000) would lead one of ordinary skill in the art to arrive at the presently claimed invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Appln. No. 10/582,345
Amd. dated June 30, 2009
Reply to Office Action of April 2, 2009

In view of the above, the claims define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /ACY/
Allen C. Yun
Registration No. 37,971

ACY:srd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\A\Aoyb\Uemori3\Pto\2009-06-30Amendment.doc